

SEXUAL ANTI-HARASSMENT POLICY

CITY OF ANKENY

INTRODUCTION

It is the goal of the City of Ankeny to promote a workplace that is free of sexual harassment. To achieve our goal of providing a workplace free from sexual harassment, the unacceptable conduct that is described in this policy statement will not be tolerated. Further, we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

The City of Ankeny takes allegations of sexual harassment seriously. We will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

This policy sets forth our goal of promoting a workplace that is free of sexual harassment. The policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct that we deem unacceptable, regardless of whether that conduct satisfied the definition of sexual harassment.

POLICY

Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the City of Ankeny.

Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated by the City of Ankeny.

DEFINITION OF SEXUAL HARASSMENT

For the purposes of this policy, sexual harassment is defined as meaning sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term of employment or a basis for employment decisions; or,
- such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Within the scope of these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad. In addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work

place environment that hostile, offensive, intimidating or humiliating to male or female workers may also constitute sexual harassment.

DEFINITION OF UNACCEPTABLE CONDUCT

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

Unacceptable Behavior - Sexual propositions, inquiries into one's sexual experiences, discussions of one's sexual activities, uninvited and offensive touching, pinching, brushing against the body, and coercing sexual assault.

Unacceptable Verbal Harassment - Sexual epithets, jokes, whistling, oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, and comment about an individual's sexual activity, deficiencies, or prowess. Make crude, lewd, demeaning or derogatory remarks.

Unacceptable Non-Verbal Harassment - Leering, making obscene gestures, and displaying sexually suggestive objects, pictures or cartoons.

NON-RETALIATION

All employees should have no doubt that, as stated previously, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the City of Ankeny.

COMPLAINT PROCEDURE

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint. This may be done in writing or orally.

This policy designates more than one person to whom an employee may report sexual harassment. Any employee may report offensive behavior to their supervisor, department director or directly to Human Resources. Supervisors or department directors shall immediately report any sexual harassment complaint received to Human Resources.

Alternate Reporting - Alternative reporting is available to the employee when a supervisor or someone "in charge" uses that management position to demand sexual favors or to create a discriminatorily hostile environment. In this situation, the employee may bypass their supervisor to register a complaint.

To file a complaint or for alternate reporting, contact Dawn Gean, Human Resources Director, 410 West First Street, Ankeny, Iowa 50023, 965-6408. This person is also available to discuss any concerns any employee may have and to provide information about the policy on sexual harassment and the complaint process.

The process does not cost the employee unpaid time or days off to deal with the problem, or any fees.

SEXUAL HARASSMENT INVESTIGATION

When a sexual harassment complaint is reported, the Human Resources Director and/or the City

Manager's office will promptly investigate the allegation in a fair and expeditious manner.

Confidentiality - The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. An interview with the person alleged to have committed sexual harassment would also be conducted. When the investigation has been completed, the investigators will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the unacceptable conduct, of the results of that investigation.

Actions - If it is determined that inappropriate conduct has occurred, action will be taken by management to promptly eliminate the offending conduct and follow-up afterward to make sure behavior has changed, and protect the employee from retaliation.

DISCIPLINARY ACTION

If it is determined that inappropriate conduct has been committed by any City employee, the applicable department director will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include other forms of disciplinary action as deemed appropriate under the circumstances.

SUPERVISORS DUTY OF CARE

The supervisor is charged with maintaining a productive, safe work environment and this includes preventing a discriminatorily offensive environment.

All supervisors have a duty to accomplish equal opportunity. Everyone "in charge" have a special Duty of Care to talk and act on a higher standard. They should not be involved in sexual touching, romantic advances, comments, or joking about sex, race, religion, age, ethnicity, sexual orientation, disability, or other state or federal equal employment opportunity categories.